

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Environment (Air Quality and Soundscapes) (Wales) Act 2024. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Environment (Air Quality and Soundscapes) (Wales) Act 2024

2024 asc 2

PART 1

AIR QUALITY

CHAPTER 2

OTHER PROVISION

National air quality strategy

PROSPECTIVE

14 Duty to have regard to strategy

(1) After section 81A of the Environment Act 1995 (c.25) insert—

“81B Functions of relevant Welsh public authorities etc.

- (1) The following persons must have regard to the policies published by the Welsh Ministers in the strategy when exercising any function of a public nature that could affect the quality of air in Wales—
 - (a) local authorities in Wales;
 - (b) relevant Welsh public authorities.
- (2) In this Part, “relevant Welsh public authority” means a person designated in accordance with subsection (3) as a relevant Welsh public authority.

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- (3) The Welsh Ministers may by regulations designate a person as a relevant Welsh public authority if (and only if) that person is a “devolved Welsh authority” within the meaning of section 157A(1)(a) of the Government of Wales Act 2006.
- (4) Before making regulations under subsection (3), the Welsh Ministers must consult—
- (a) the person that is proposed to be designated, and
 - (b) such other persons as the Welsh Ministers consider appropriate.”
- (2) In section 87 of that Act (regulations for the purposes of Part 4), in subsection (2)—
- (a) in paragraph (c), after “relevant public authorities” insert “, relevant Welsh public authorities”;
 - (b) in paragraph (j), after “relevant public authorities,” insert “relevant Welsh public authorities,”;
 - (c) in paragraph (l), after “relevant public authorities” insert “, relevant Welsh public authorities”;
 - (d) in paragraph (m), after “a relevant public authority” insert “, a relevant Welsh public authority”.
- (3) In section 88 of that Act (guidance for the purposes of Part 4)—
- (a) in subsection (3)—
 - (i) for “This section” substitute “Subsections (1) and (2)”;
 - (ii) for “it applies” substitute “they apply”;
 - (b) after subsection (3) insert—
 - “(4) The Welsh Ministers may issue guidance to relevant Welsh public authorities with respect to, or in connection with, the exercise of any of the powers conferred, or the discharge of any of the duties imposed, on those authorities by section 81B or regulations made by the Welsh Ministers under this Part.
 - (5) A relevant Welsh public authority, in exercising those powers and discharging those duties, must have regard to any guidance issued under subsection (4).”
- (4) In section 91 of that Act (interpretation of Part 4), in subsection (1), after the entry for “relevant public authority” insert—
- ““relevant Welsh public authority” has the meaning given by section 81B(2).”

Commencement Information

II S. 14 in force at 14.4.2024, see [s. 30\(2\)\(d\)](#)

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Changes and effects yet to be applied to :

- s. 14 coming into force by [2024 asc 2 s. 30\(2\)\(d\)](#)